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TOWARD FREEDOM FROM VALUE*

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Few would wish a world where life were always preserved indefinitely at all costs. Life, we feel, ought sometimes to give way to other human aspirations. At the same time, most of us hold inviolable the life of every individual, regardless of his usefulness in the achievement of our heart's desires.

We have, then, two intuitions: that life must not be destroyed, but that it need not be always preserved; that every person's life is infinitely valuable, but that other things may sometimes be more valuable; that human life has sanctity, but that death may occasionally be welcomed. Our puzzlement comes as we seek to mark even a crooked frontier separating these two sovereign intuitions. For we soon learn that each lays claim to perhaps the entire territory of the other and that neither will rest for long with compromises apparently of convenience—such as those represented by the distinctions called “active-passive” or “ordinary-extraordinary.” If life has infinite value, how can we passively abandon it when its preservation becomes burdensome? Or, if we can indeed abandon it, perhaps it has little value after all, and therefore may be violated. So we discover not only that we cannot easily draw a clear line of separation between our two intuitions, but that each seeks to annihilate the other.

If we wish to intervene to prevent either side from suffering total rout, we must begin by finding high ground from which we can describe the proper limits of each. That is, we must develop an appealing and understandable theory of the nature and limits of the prohibition on taking human life.¹

*The generous assistance of the St. Louis University School of Medicine made possible this article.

¹By “life” or “human life” I mean “living humans.” This meaning, I take it, is that most commonly understood in speaking of the value or sanctity of human life. To “value human life” thus means to “value people”—except that the first phrase focuses

Here again is our dilemma: if we set the value of life low enough to account for the moral² intuition that we need not at all costs preserve it, we have set it too low to account for our other intuition that we ought not to kill no matter what benefits we might gain. On the other hand, if we raise the value of life to the point where no benefits are weighty enough to justify killing, we soon discover that we have committed ourselves to a surely excessive effort to eliminate death. My thought is that our error here lies not in valuing "mere" life or "quality" life too highly or too lowly, but lies rather in the ordinary use of the word "value." Is there no other word available? Is there no other attitude, besides that of "valuing," which we take to life? I suggest that we already know and name the attitude for which we are searching: "reverence." And we also speak often about the aspect of life which accounts for our attitude of reverence: "sanctity." Unfortunately, life's *sanctity* is ordinarily confounded, or even identified, with its *value*—so that to say that life has sanctity is popularly taken to mean that it has great (or even absolute or infinite) value. Yet it is my contention that sanctity and value are radically different, and that it is precisely thinking in terms of value which obscures and may destroy our sense of the demands of human life. Only by first overthrowing the rulership of value-thought can contemporary man hope to *think* clearly about what he still already knows.

Why not kill? This essay seeks to say what there is about human life³ as we perceive it which could account for our moral intuition that

upon those valued as simply alive, while the second pulls us away from the question of life or death and toward the complexities of social existence. Put another way, human life is the foundation which all people have in common; to value life is thus to value people simply because of this foundation rather than because of their maturity, personality, or whatever. A newborn baby is perhaps the clearest example of naked human life.

By contrast, I do not in this essay take seriously the frequent way of speaking which treats life as a thing which may be "given to" or "taken from" someone. For an organism, to live is to *exist*. The idea that existence (life) is a separate entity which can be added to or subtracted from a person seems to me a worthy subject for reflection, but only indirectly and confusedly applicable to the question of whether or not we may destroy people. When I here say "taking human life," I mean eliminating it, not removing it.

²Except where otherwise stated, this essay deals entirely with morality, and with the moral underpinning of law, rather than with law itself.

³Implicit here is that there is phenomenologically something *about life* which makes us reluctant to kill. We do not refrain from killing *only* out of obedience to a disincarnate moral rule not to kill, whether that rule be derived from God or from

killing is wrong. In the first, or destructive, part, it will be argued that the value of life cannot account for the prohibition on killing—for two reasons: First, we often give life such a low “value” that this value alone would be insufficient to preclude permission to kill. Second, and more important, even if we were to value life infinitely, we would not feel killing to be forbidden. Even when made absolute, the value of life cannot preclude the taking of life. And this is so not because of any defect in life, but because of the impotence of the concept and attitude called valuing. Because all valuing is for a type (or essence), I will argue, it can demand only that a quantity or quality of life exist, but never that a particular person live or be allowed to live. (To debate quantity vs. quality of life is thus *already* depersonalizing, no matter which side one takes.)

The attack upon value will be followed by the second, or constructive, part of this essay. Having discovered the inadequacy of the attitude we take to life when we value it, we shall describe and distinguish the attitude of reverence, the object of which has sanctity rather than value. We will see that the sanctity of life demands primarily life’s non-violation, rather than its preservation, and therefore can both forbid the taking of life and co-exist with the non-preservation of life. Both our original intuitions can be so affirmed. Sanctity makes the individual *matter*, in a way which value does not, and yet does not demand his preservation at all costs.

Dependency, however, raises difficult problems for the meaning of sanctity. If someone’s life is dependent upon our actions, is there a difference between causing death and not preserving life? The medical context is that in which this dilemma is most often currently discussed, but it is surely as ancient as the helplessness of every new-born infant. Its solution, I shall argue, lies not in behavioral but in intentional criteria for actions violative of the sanctity of life.

The last section will develop some practical consequences of the theory of sanctity. There the demands of sanctity will be described first vis-à-vis medical patients and then as a guide to social and

ourselves. We genuinely care about not harming other people, and therefore are already reluctant to destroy them prior to explicit reflection upon God’s commands or upon the moral rules which we personally would like everyone to follow.

Furthermore, we do not feel such rules themselves to be arbitrary or to have a status no higher than our desires. Rightly or wrongly, we feel that they are an expression of human dignity rather than *only* of formalized self-interest or will. In this essay, I argue that this dignity cannot be called “value.”

economic planning.

I. THE INSUFFICIENCY OF VALUE

Not all of us regard killing as always wrong. Most make an exception for self-defense, and many do so in cases ranging from war and capital punishment to selective euthanasia. But all of us are *reluctant* to kill. Why?

Perhaps the most frequent answer to this question is "because of the value of life." Indeed, advocates of an absolute prohibition on, say, capital punishment or euthanasia are wont to cite "the *infinite* value of life." And for people used to translating all ethical and policy issues into "value" terminology, these answers are quite understandable. After all, why *would* we protect life unless it had value? And how could the value of life *never* be outweighed unless it were infinite?

Nevertheless, it is my contention here that the value of life cannot adequately explain our reluctance to kill, that some other factor is at work. I shall try to demonstrate this thesis by first showing that even where life's value is clearly insufficient to outweigh other relevant values, we do not kill. Therefore, more than the *value* of life must matter to us. And further, I shall show that even if life had infinite value, this alone could not make killing wrong in many situations where we refrain from killing. And so, again, I conclude that we regard life as having more than value. In subsequent sections we move beyond value in search of this missing element.

Sometimes life is not valued highly. Thus, for example, many doctors would be willing not to use "extraordinary" measures, those involving great hardship, in order to preserve the lives of persons able to live only a very short time in any event.⁴ Such minimal amounts of life are seemingly considered not valuable enough in themselves to

⁴See the 1973 A.M.A. statement condemning intentional mercy killing but allowing cessation of extraordinary life support, reprinted and criticized for inconsistency in the important article by J. Rachels, "Active and Passive Euthanasia," *New England Journal of Medicine* 292:2 (January 9, 1975), pp. 78-80. Rachels in turn has been criticized (rightly, in my opinion) by T. Sullivan for misunderstanding the A.M.A. position. See "Active and Passive Euthanasia: an Impertinent Distinction?," in *The Human Life Review*, Vol. III, No. 3, pp. 40-46 (Summer 1977). Sullivan's distinctions are similar, but not identical, to those developed below.

require the costs of heroic treatment. Yet at the same time, these physicians are apparently reluctant actively and deliberately to kill in order to avoid equivalent future costs. Why? Do these doctors see something else in life besides its value?

Even a healthy normal life may have insufficient "value" to outweigh other considerations. And I am not thinking of the oft-cited case of martyrdom, where someone sacrifices his own life for the sake of some noble ideal.⁵ I am speaking of valuing one's own *and others'* lives less than comfort or convenience—as is the case with all limitations on "safety." Without a doubt we could individually and collectively live far more safely and so protect life better if we were willing to put up with the accompanying decline in life's "quality."

Nowhere is this fact more obvious than in the question of automobile speed limits. By not drastically lowering the speed limit, our various governments and their constituencies are with statistical *certainty* allowing tens of thousands of violent deaths to occur. Nor do these deaths occur only to those who have chosen to "assume the risk" of driving. Pedestrians and dependents (e.g., children) are also killed; and given our society and economy even those who "choose" to drive can hardly be said to have much choice in the matter. The simple fact is that thousands upon thousands of innocent and unwilling victims of traffic accidents die each year because our society and government do not want the decline in mobility and in GNP which would be caused by a speed-limit reduction.

And yet my torts teacher, Guido Calabresi, found no takers when he presented to our law school class the hypothetical case of a god who offered us an equivalent increase in societal well-being if we would agree to kill one thousand persons on an altar each year. Why this difference? Why was the class simultaneously willing (albeit with qualms) to let many die in traffic deaths and unwilling to produce the same benefits by the "sacrifice" of a lesser number?⁶

⁵Nor am I here or elsewhere in this essay thinking of intentional suicide. The primary method of this essay (placing human life before us and asking our attitude toward it) is simply not easily adaptable to an examination of self-killing. Perhaps our conclusions are nevertheless applicable to suicide: See the powerful attempt by Germain Grisez to grapple with suicide within a project in many ways similar to that of this essay in "Suicide and Euthanasia," *Death, Dying and Euthanasia*, edited by D. Horan and D. Mall (Washington: University Publications of America, 1977), pp. 742-817.

⁶For Calabresi's own explanation of this kind of discrepancy, which differs from my own, see "Reflections on Medical Experimentation in Humans," *Daedalus*, Vol. 98, No. 2, (Spring, 1969), pp. 387-405.

No adequate answer to these questions is possible, I submit, as long as we persist in treating human lives merely as valued objects. The way we regard people, which includes a reluctance to destroy them, has very little analogy to the way we treat that which we value, as we can see again by turning to the "potentiality-actuality" continuum—first in regard to things we value, money and justice, for example, and second in regard to human life.

Now, an object which is valued when we have it (in "actuality") is also valued when we *could* have it (in "potentiality"). True, we discount the value of the latter by the time, trouble, and uncertainty involved. But we would surely think someone at least confused who were stingy with his money when he did not wish to have it in the first place. Or again, we would doubt the sincerity of someone who strongly resisted increased injustice and yet also opposed increased justice.

But in an age of individualism and of possible over-population, this strange stance seems to be exactly what many people take toward other human beings. As individuals and as a society, many of us do not wish more children, do not consider them a net value when considering their possible existence. Yet once a child is born (or once it is conceived), killing is for most of us out of the question—even if the child is still "unwanted." This reticence about destroying that which we never wanted to begin with would border on insanity if we were speaking of something we merely valued. We cannot explain our reluctance to kill by saying simply that we value human life, because sometimes we do not and yet are reluctant.

I have so far argued that life's value is sometimes relatively too low to be sufficient to prevent killing, and so that we should look elsewhere for reasons not to kill. However, I suspect that at least some of us will not be ready to give up on value this easily. Not knowing what else we may find, some may be appropriately cautious about casting loose from what may seem the only firm mooring for the protection of life. "Should we not," some of us might ask, "find ways instead to increase the value we give to life, even at the cost of more population, respirators, and bicycles?"

I want to cut us off from this last hope in the value of life by arguing that even if we somehow could agree that human life had *infinite* value, we would not necessarily prohibit killing. Only when this has been shown will the inadequacy of value be sufficiently clear to launch us forth in search of a new foundation in which to anchor the

protection of life.

Let us assume, then, for the sake of argument, that human life has infinite value. By this I take it we mean that a human being is so valuable, of such great worth, that no other kind of entity (thing, relationship, or whatever) or combination of entities, can ever be preferable to such a being. In other words, insofar as we choose rationally that which is most valuable, we would *never* choose something else instead of a living human being. Consequently, we would never destroy such a being, no matter what other kinds of benefits we might realize.

But, I submit, we might well destroy such a being for the sake of the *same* kinds of benefits, i.e., human life. Indeed, if we felt that human life were of infinite value, we might well feel morally compelled to kill whenever such killing would save more lives than those lost.⁷ We would promote capital punishment, for example, if it were the only effective means of deterring a greater number of killings. We also would kill a healthy person if his vital organs were needed to save his ailing siblings.

And we might kill for reasons other than saving life, too. If life were really of infinite value, but our resources were limited, would we not favor those who were most fertile and/or lived longest at least cost? Wouldn't we, like some kind of "breeder," put to sleep the fat and the sick—in order to make room for more people to replace them? If every single life had tremendous value, we would want as many as we could afford for as long as possible even if this meant destroying those requiring greater care, resources, or space.

Nor would we avoid comparing the lives we valued and perhaps killing as a result. Even if all lives had infinite value, we would have no rational objection to killing whenever an equal *substitute* were available. Even if I valued Austro-Hungarian gold coins infinitely, I would not have any objection to exchanging equivalent coins. So, too, I would not object, say, to killing the newborn if they could be quickly

⁷Note that I am here assuming only that life has an infinite *exchange* value, i.e., that we would exchange an infinite amount of anything else for one life. If one life were taken to provide infinite *satisfaction*, then we might be indifferent between preserving one life or many. Such infinite satisfaction-value would be even less able to prevent killing than would infinite exchange-value, for although it would refute the claim that we ought to kill one person to save two or fifty (by affirming that one person has as much value as fifty), it would also be indifferent to killing fifty to save one—i.e., it would affirm that no value would thus be lost.

replaced and any extra inconvenience compensated for. Moreover, I would actually *prefer* to destroy and replace if the quality of what I have could be in any way improved. Even if I valued those coins infinitely (in that I would give *anything* else to have even one), I no doubt would rather have one without a scratch. Similarly, even though I value every baby infinitely, I would prefer to have one of maximum quality, as long as it is easy to have "defective" ones sent back to their maker and new ones substituted. No value of human life can preclude killing simply to improve life's quality.

These last examples begin to reveal the reason why no amount of *valuing* of human life, not even infinite valuing, can be in harmony with our intuitive regard for life: we think that the *individual* matters, whereas anything which we merely value can be *substituted* for something relevantly identical. In other words, all valuing (in common with many other attitudes) is and must be for *types* (or essences), and not for mere particular examples of such types. No matter how highly I value gold coins, there is no possible reason why I would prefer one to another if both partook equally of value-conferring characteristics. If we only *valued* human life, we would likewise treat people as substitutable; since we do not so treat them, we must do more than value them.

Nor can we make do with value by saying that we value the individual examples of the type, rather than the type itself. Such a clarification is no doubt true, in that we do not value some kind of disincarnate type called "human life," any more than I value the abstract type of gold coins. But my point is that as long as the individuals are described as valuable only because they are human beings, i.e., examples of this type, they become substitutable. That is, if I value the set called "individual human beings," I cannot object to the substitution or maximization of the members of this set, even where this involves killing.

Someone might object here that I have misunderstood the way we value human beings; we do not value them merely as examples of the human species, but for their qualities as "unique" persons. Now, although it is certainly commonplace to hear that everyone is unique and therefore valuable, I regard such talk as a meaningful intuition seeking to express itself in meaningless value terminology. For even if people are all unique (which is quite uncertain except in the sense that they are not absolutely identical), it seems impossible that we could value them infinitely for their unique characteristics, primarily

because the differences are just not so important. I do not care about a stranger in his uniqueness (his never-to-be-repeated fingerprints or his special facial appearance), but in his humanity. It is only his humanity, in fact, which I know with any degree of certainty, but this knowledge suffices to make me reluctant to kill him. Again, even if all people are unique, we can hypothetically imagine the existence of absolutely identical siblings. Would our reluctance to kill one to save the others be in any degree lessened by their lack of uniqueness? I think not, but obviously something other than valuing their individual or collective uniqueness must be at the root of our reticence. We must somehow explain how the *individual* thus matters to us, in the sense that we are reluctant to kill him even when he is exactly identical to his fellows.

II. THE ALTERNATIVE OF SANCTITY

What is the moral status of human life? What is there about human life, as we perceive it, which makes us reluctant to destroy it even where we are not interested in producing or preserving it? We have seen that "the value of life" cannot adequately explain our deference to life: Even if human life had an infinite value, *individual* human beings would not necessarily be morally protected. But in fact the value of life is often treated as far less than infinite. *A fortiori* valuing life cannot give it the protection we think it deserves.

We need, therefore, an alternative way to conceptualize our moral recognition of life, a way different from saying "we value life" or "life has value." Before we can even begin to argue about whether or not we *ought* to have the attitudes we have to human life, we must adequately describe the attitudes we *do* have, and "valuing" is not an adequate description.

In particular, we need to explain how we can at once not wish to maximize the quantity (in numbers or years) of life, and yet seek to prevent the killing of every individual simply because he belongs to the type we call "people." We need to find an attitude which is both universally applicable to all human beings and particularly applicable to every individual, making us reluctant to kill even those we do not highly value. We already experience this attitude: I submit that when we contemplate killing someone, our mind does in fact recoil in a way unrelated to any worry about the destruction of something valuable. We feel that we simply ought not to kill, that life is not to be *violated*

by us, that life is not entirely subject to our value-judgment and disposal. What name can we give to our regard for life?

Perhaps the first hurdle we must overcome is the modern tendency to identify all affirmative attitudes with some sort of valuing. The world is today assumed to consist entirely of "facts" and "values." Is our reticence about killing due to some empirical fact of life? If not, conventional thought takes it to be a "value-judgment" about life. For such a mind-set, our proof that life cannot be consistently valued sufficiently to prevent killing could be evidence only that our reluctance is irrational and arbitrary.

Against such narrowness, we must show that value-language is a trap and prison of the mind and that the moral world has a multitude of curious creatures in it—many of whom are at least as fascinating as those two beasts of burden called "fact" and "value."⁸

Our method, then, in the following few pages will be to look at three further attitudes which it is often claimed we take or should take to life: love, respect, and reverence. In each case we shall first seek phenomenologically to distinguish the given attitude from valuing, in order both to prove that there do exist moral stances other than valuing and to get a better hold on the particular proposed alternative. Then, second, we shall ask whether the suggested attitude is one which would describe adequately our feelings and behavior toward human life.

Love. There is, of course, a loose sense of the word "love" which would seem to apply to many valued objects. I might say that I love steak or horses or diamonds—and mean little more than that I value them.

But love in the full sense in which we say we love God, or a spouse, or a friend, is not normally used for *things*, no matter how highly we

⁸Further political and historical studies would be of immense help in a struggle for liberation from value, perhaps along the lines suggested by Karl Mannheim in *Ideology and Utopia* (New York: Harcourt, Brace and World, 1936), p. 83:

... The fact that we speak about social and cultural life in terms of values is itself an attitude peculiar to our time. The notion arose and was diffused from economics, where the conscious choice between values was the starting point of theory. This idea of values was later transferred to the ethical, aesthetic, and religious spheres, which brought about a distortion in the description of the real behavior of the human being in these spheres. Nothing could be more wrong than to describe the real attitude of the individual when enjoying a work of art quite unreflectively, or when acting according to ethical patterns inculcated in him since childhood, in terms of conscious choice between values.

value them. We cannot translate all value into love. More surprisingly, the converse is also true: we cannot translate our feelings for those we love into value terminology. "I love my wife" has a very different feel to it than "I value my wife." The latter, of course, seems at first objectionable because of its instrumentalist connotation; one suspects that I care about my wife only because I have some *use* for her. But the antagonism between love and value is even deeper. If anything, it sounds more inappropriate to eschew instrumentalism and to say "I consider my wife to have intrinsic value."

No doubt I can speak of valuing our marriage, but to speak of my wife herself having value seems to demean her—not because of a connotation of instrumental value, but because the very idea of valuing her seems to reduce her to a good or commodity to be prized and even priced. Such an attitude is at least different from, if not incompatible with, love. I appear in some way to have set myself above her and to be evaluating and preferring her, rather than unself-consciously delighting in her in the way of *eros* and giving myself to her in the way of *agape*. Indeed, to speak solely in value terms of a beloved seems so misguided as to be nearly absurd.

Love is radically different from valuing. Moreover, at least some lovers care about the beloved as an *individual*, while valuing regards only types. As we saw earlier, valuing is willing to *exchange*, to accept substitutes of at least equal value. Such willingness is quite appropriate for value since, as we have noted, valuing proceeds from a value-judgment, an evaluation, and it would be silly not to value two entities equally if both were judged to have the same valued characteristics—i.e. to be the same value type. Love, by contrast, is often not willing to accept substitutes, even identical ones. Even if God were to promise me that he would immediately substitute an identical person (or more than one) for my wife if I would let him take her away, I would refuse. I do not want someone *like* her; I want *her*.

The fact that one cannot give sufficient reasons for one's love is directly related to the fact that one cares about the beloved as an individual and not as a type. If one were to claim that any characteristics of the beloved could fully account for one's love, then one would be saying that anyone else of the same type would be equally loved. But many lovers would not say this. Love can be for particular individuals instead of for types.⁹

⁹A particular entity is distinguished not by *what* it is but by *where* it is in spacetime. I can think abstractly of a table, but I cannot think of, say, the third identical table I am

Could this love be the alternative to valuing for which we are searching? Could it be that we are reluctant to kill because we love other people, even strangers? Without even beginning to discuss the complex question of whether love precludes killing but allows not preserving life, which the attitude for which we are looking must do, we must reject love. For although love may indeed care for individuals, in a way which valuing does not, this love cannot be extended to all human beings. This is so, not only because such love is too intimate and too scarce a commodity, but because to universalize it is to destroy its particularity. That is, if we were to love all people simply as people rather than as "John" and "Mary," we would be treating the object of love as a type—i.e., "people." But it is the very non-type caring of love which makes the individual matter. Therefore, we can never fully love individuals simply because they are people. Someone who says he loves people cannot mean love in our sense here and may mean rather in the sense of liking a type.¹⁰ Such "people-liking" may well be no more incompatible with killing individuals than is the people-valuing which we discussed at length above.

The love alternative, then, will not work, but it has shown at least this much: We are looking for an attitude which finds significance in individuals, but not *only* in individuals—because it must be an attitude which can be for all human beings simply because they are such. We must somehow find a way to respond to this *type* called "people" in a way which nevertheless cares about individual examples of this type.

Respect. Let us next look at the *feeling*, similar to admiration and

about to build unless I mentally insert it into space-time and imagine it existing sequentially with the first two. Only if they have differing space-time co-ordinates can two entities of the same type be distinguished. Only if they so exist, consequently, can they be *thought* of as particular individuals; the mind otherwise knows only quantity and quality, not particulars.

Put another way, one might say that "location" is part of the essence of an individual. In searching for a way of thinking which can respect the individuality of people, we are thus looking for a mode of thought which can take such location seriously.

¹⁰The religious person, however, may mean that he loves God, that God loves all persons individually, and that he thus indirectly loves all those loved by his Beloved as individuals. This alternative to valuing is not insignificant, but its exploration here would take us too far from the common realm of philosophy and phenomenology.

esteem, which we call "respect."¹¹ In many circumstances, this feeling cannot easily be translated into value-talk.¹² I might tell a judge of my respect for his court, but I would be unlikely to tell him how I valued it. Valuing again seems connected to using, or at least implies congruence with one's desires; and the judge is normally not interested in how desirable I find his court's judgments. Just as valuing seemed unloving in regard to a spouse, so here it seems disrespectful in regard to a court. Its evaluative boldness seems necessarily to obscure a court's particular kind of dignity, no matter how highly I finally rank the court in my scale of values.

Nor can we respect just anything we value. I can value diamonds, but do I make sense if I say "I respect diamonds"? The answer is obvious. The important point is not that I am silly or overly materialistic, but that the sentence does not make sense. It would perhaps be wrong of me, but certainly not senseless, to say, "I value diamonds more than anything else in the world." Nor is the problem that diamonds cannot be valued as ends-in-themselves, or that they are merely desired but not obligatory ends. I can say, "I think diamonds ought to exist for their own sake," or "Everyone has an obligation to produce a maximum number of diamonds." Yet it sounds like gibberish to say, "I respect diamonds." We would be dumbfounded by such a statement during a conversation.

Similarly, we cannot sensibly say, "I respect honor," though certainly many value it. Honor and diamonds just do not seem to be the proper *kind* of object for respect. The same holds for happiness, which has been proposed again and again as the final end of all action. We cannot say, "I respect happiness." Whether or not eudaemonism or hedonism have been refuted is irrelevant here. It certainly is possible to think of happiness as having great value, yet it is not possible even to imagine it as an object of respect.

If someone were to ask us why we could not feel respect for goods

¹¹The word "respect" is also used for actions which may be quite unconnected to *feeling* respect. So, for example, one might "act respectfully" in church, even though one felt reverence rather than respect. Or one might treat an authority with respect, even though one felt only fear. Or one might respect someone's rights, in the sense simply of not violating them, while feeling nothing at all or even contempt for them. Our concern here is to describe only the feeling we call respect, not the many actions we call by the same name.

¹²Certainly value should not without more be treated as a component of respect and a measure of human dignity, as happens in Marvin Kohl's "Voluntary Beneficent Euthanasia," in *Beneficent Euthanasia* (Buffalo: Prometheus Books, 1975), p. 133.

of such obviously high value, we might well respond, "But they don't *do* anything! How can I say I respect them?" Agency, the ability to act or to participate in action, seems necessary (though not sufficient) for respect. So we can respect intelligence but not good looks, and courage but not honor. We respect not goods or goals, but virtues — not only moral virtues but all what might be called "directed powers."

Moreover, even where the object of valuing appears to be the same as the object of respecting, our stance toward it is quite different. "I value intelligence" has a different feel from "I respect intelligence." The former puts intelligence into my sphere of action and speaks of the preference it has; the latter steps back and accords the virtue of intelligence its own proper sphere of action. The first is a holding, and the second a releasing.

Undoubtedly, to respect people means something importantly other than to value them. Respect discerns, in a sense, the personhood of human beings as creatures able to persevere powerfully and creatively in their aims. And although this agency is usually discovered in people one-at-a-time, it might be that all human beings are at least potentially capable of some kinds of "virtue" (e.g., moral virtue).¹³ If potential virtue is sufficient for respect-worthiness, then perhaps respect is the individual and universal attitude to human life which we are seeking. Or, again, if the human *species* generates respect in us, perhaps this feeling can be appropriate even for individuals in themselves unworthy of respect. In this way, too, respect might be the feeling we seek toward human life.

Without denying the tremendous human importance of respect felt

¹³So Michael Polanyi, in *The Tacit Dimension* (Garden City: Doubleday, 1966), pp. 51-52, writes:

. . . However greatly we may love an animal, there is an emotion which no animal can evoke and which is commonly directed toward our fellow men. I have said that at the highest level of personhood we meet man's moral sense, guided by the firmament of his standards. Even when this appears absent, its mere possibility is sufficient to demand our respect.

. . . Both this moral sense and our respect for it presuppose an obedience to commands accepted in defiance of the immemorial scheme of self-preservation which had dominated the evolutionary process up to this point.

Kant, too, makes the capacity for moral action a basis for respect for humanity, although he sometimes appears to be thinking of a feeling more akin to what is below called "reverence," rather than to what is here called respect. See, e.g., *Critique of Practical Reason* (Indianapolis: Liberal Arts Press, 1956), pp. 99 ff.

for others (and the even greater importance to human dignity of respect *shown*—i.e., of treating people as though they have various virtues even when they may not), we cannot accept respect as an adequate description of our attitude to human life—primarily because respect not only does not prevent killing but may even cause it. Someone we respect, after all, may be a friend or an enemy. If he is the latter, then our feeling of respect for his prowess can only increase our determination to act well against him. True, we would do so with appropriate acknowledgement and consideration for his ability, and thus our opposition would not demean him, but it might lead to his destruction. Surely among the greatest epic stories are those in which two heroes seek with all due respect to kill each other.

Reverence. Valuing feels demeaning in contrast to revering, just as it did in contrast to loving and to respecting. The sentence “I value God” seems rather presumptuous and can hardly mean that I revere him. To talk of valuing art or law, again, is to give them less importance than to speak of reverence for them. Reverence acknowledges a nobility in its object which valuing does not, a quality we may call “sanctity.”¹⁴

The inequality of value and sanctity can be shown in still another way: As with respect, reverence for many objects of value would be nonsensical. Happiness and honor can no more be revered than they can be respected. They are just not the proper *kind* of object for reverence. We do not and cannot revere goods or goals *as such*.¹⁵ Therefore, we cannot revere those entities which can never present themselves to us except as desired goods or goals, and we can revere

¹⁴D. Callahan, in *Abortion: Law, Choice, and Morality* (New York: Macmillan, 1970), may be correct about some of the behavioral consequences of the sanctity of life, but he and others he cites (e.g., Gustafson at p. 325) too quickly assume that sanctity can be only a kind of value. He simply asserts that “when we speak of ‘the sanctity of life,’ we are . . . speaking of . . . the value we attach to human life” (p. 326). Daniel Maguire, too, despite his seeming awareness of the nature of sanctity, seems to equate it with value. *Death by Choice* (New York: Schocken Books, 1974), pp. 92-93, 156-157.

¹⁵The sanctity of life may, however, be to some degree analogous to the “sanctity” of goods which are owned by another. We leave such goods alone, or feel numinously uneasy with them if we steal them, not because we value them *or* disvalue them, but simply because they are not properly within our control. Note that such “sanctity” necessarily has a transcendent origin: a book is more than a mere book if it is someone else’s book. God’s ownership of life could be the explanation of *this* kind of sanctity, or there might be a better explanation. In any event, our experience of human life seems not identical to our rather more cool and uncaring deference to the property of others. The sanctity of life may be thus not reducible to the sanctity of property, even of divine property.

other entities which we value, such as people, only by seeing them differently than we do when valuing them.

Value is not necessary for sanctity, any more than it is sufficient. One may well not like going to church, and yet behave reverentially each Sunday. One might even resent an ugly church while feeling reverence once inside. Reverence, after all, harkens back a bit to its linguistic root of *vereri* — “to fear.” There is no necessary correlation between that which we revere and that which we like or value. Consequently, we may well not seek to produce or preserve many objects which partake of sanctity for us — e.g., ugly churches.¹⁶

Nor does the revered have to have the “virtues” of the respected. I can feel reverence for churches, even if at the same time I do not have a feeling of respect for them (because I regard them as inert objects). Only if I attribute some dynamic qualities to churches in addition to their sanctity can I also feel respect for them. That which we revere does not have to have actional virtues, as did that which we respect.

And, unlike love, reverence does not need to fasten *only* upon the individual in order to make him matter. Reverence can be for types, e.g., “churches” or “people.” But instead of making and having its types, as does valuing, reverence lets them be. Reverence is reticent and hesitant before that which has sanctity. It seeks to leave room for its object. Above all, it seeks not to violate the object of its concern. But not to violate that which we revere means necessarily not to violate any individual examples of the revered. Because valuing seeks actively to promote its type, it cannot be bothered with individuals, but seeks to use them in furtherance of its goal. Because reverence is a largely passive withdrawing, a “letting be” of its type, it must move back from every individual instance of that type. The only way not to destroy human life is not to destroy *any* human lives.

All valuing seeks to dominate the world. Individual entities as they exist have no significance; what matters is the production and

¹⁶Churches are used here as a familiar example of that which appears to have sanctity. However, sanctity need not be found only in religious contexts. A history of art teacher has told me of a recent sale of a large piece of land in which buyer and seller quarreled over who should pay the enormous costs of removing certain unsaleable monumental sculptures which neither party wanted or valued. Clearly the simplest and cheapest solution would have been to destroy the sculptures and cart away the pieces. But “the sanctity of art” made this impossible. At the same time, the low value of the works of art justified doing little or nothing to *preserve* them from gradual destruction by the weather.

preservation of various valued types. People, facts, matter, the stuff of being, become mere resources to be used in the maximization of values. All that exists is expendable, because only the abstractions we have here called "types" count. Even if these types are considered to have intrinsic or infinite value, rather than only an instrumental value, the individual examples of these types (including human beings) are reduced to the status of desired goods and can be destroyed and exchanged at will. No wonder, then, that valuing feels bold and arrogant in contrast to the other attitudes we have examined; a world we only value is a world entirely subject to our evaluation and control.

Reverence, by contrast, eschews domination. It steps back before the "sanctity" of that which is revered, and thus necessarily before every particular which has sanctity. A limit is given to us and to our schemes of domination. We can no longer destroy and rebuild as we wish, but must accept and accommodate being, even the being of individuals. If I revere human life, if I say it has sanctity, then rather than making and controlling it, I acknowledge and defer to it; I let it be. That which has sanctity is beyond the scope of our rightful judgment; even to evaluate it seems presumptuous and wrong. True, I may sometimes (but not necessarily or always) have a kind of attraction to what I revere. But even here my feeling is not the achieving and holding stance which accompanies valuing, but is rather an appreciative awe or delight.

Both universal and individual, both not violative and not necessarily preservative, reverence remedies the deficiencies of valuing, loving, and respecting and provides an adequate concept descriptive of our feelings and behavior toward human life and in particular of our reluctance to kill.

Are there no exceptions to the demand that human life not be violated? At first sight it may seem that there is no kind of human killing with which we feel totally at ease, that reverence always shrinks before violence toward human life.

Still, the existence of many traditional permissions to kill must give us pause. The sanctity of life in itself would seem to prohibit capital punishment, for example: Although one can argue that such punishment does not reduce the "value" of life (because by treating the destruction of life as the greatest deterrence and retribution, capital punishment obviously treats life as the greatest good), it clearly does not treat life as something inviolable. So there must be in the minds of ardent supporters of capital punishment some exceptions to

the sanctity of human life—perhaps the notion that one voluntarily forfeits one's sanctity by committing a capital crime. Proponents of voluntary euthanasia or assisted suicide would likewise seem to be arguing that one can by choice give up the sanctity of one's own life. Perhaps they are right, although sanctity seems to be something one cannot easily turn off.

But it is at least clear that a low value alone cannot destroy sanctity, cannot create exceptions to reverence for life. Valuing and revering are two separate stances toward the world. One cannot argue from the judgment that a handicapped newborn has a low value life to the conclusion that his life has no sanctity and may be taken. (Nor, of course, can one make the opposite argument that because his life has sanctity it has a high or infinite value, and so an indefinite amount of resources must be expended in keeping him alive.) Moreover, there seems no obvious way to "balance" a life's low value against its sanctity; being entirely different creatures, value and sanctity have no common scale (such as "usefulness" or "satisfaction") by which they could be weighed against each other. We return to a much more specific discussion of practical policy toward life below. Here our only point is to say that the sanctity of life creates at least a *prima facie* demand not to kill anyone, and that the mere fact that life sometimes lacks highly valued qualities cannot create an exception to this demand.

The same point should be noted with regard to respect and virtue: Because we can revere that which we do not respect, the fact alone that a coward does not call forth respect in everyone cannot prove that everyone does not or should not feel reverence for his life. Human life may have sanctity even when it is neither valued nor respected.

Is the moral significance of the sanctity of life exhausted by a rule forbidding killing? Does reverence for life demand only that we not kill? It would seem not. Rather, the sanctity of life is a foundation, perhaps the only foundation, for all ethical principles which make individual people a matter of moral significance.

All moral attitudes which, like valuing, *demand* something must be indifferent as between individual examples of that which they seek. Only an attitude, such as reverence, which seeks to *respond* to something necessarily has regard for every individual example of the object of its concern. Only a responding can make individuals even have "reality," in the full sense of that which must necessarily be accepted and taken into account in planning how to use the things of

the world. Now the word given to individuals who have this reality, who have a final and fundamental moral significance, is "persons." Reverence, by requiring the non-violation of human life, raises in the soft clay of value the hard rocks of persons. We can *recognize* persons, we can distinguish and make each one matter, not only in spite of the fact that they are all identical *qua* human but because of this fact. Because we revere people's lives, we cannot care only about their quantity or quality; we are suddenly aware of them as individuals who cannot be sacrificed to the whole.

What does the sanctity of human life then entail, besides not killing? The answer to this question may be: everything. All interpersonal morality and all human rights may be derivable from the sanctity of life. For that which has sanctity must be seen as always also an end-in-itself. Our deference to it prevents us from using it in any destructive way. Metaphorically, we are forced to leave a "space" around persons, not unlike the empty and unused space in churches, within which they can manifest themselves. "Rights" demarcate this space: The necessary supports for personal integrity, such as health, acquire a derivative sanctity which demands their non-violation. And reverence is not indifferent to personal flourishing in this space, but in service and in delight waits for human fulfillment.

Unfortunately, the attempt to construct an entire moral system founded solely on sanctity is beyond the hope of this article. And it may well be that there are other appropriate objects of reverence (such as nature, truth, or beauty) whose sanctity is not derived from that of human life. Yet even if the sanctity of life could not stand alone, it could provide an invaluable basis for other moral principles. Justice, in particular, requires as its necessary starting point the identification of those *to whom* one must be just. It needs both to know the type on which it is to operate, i.e., human life, and to separate this type into persons. It needs to operate on individuals, but in a world of pure value individuals cannot easily matter. Reverence for human life lets justice know where to start, lets it know for whom to ready its tools of equal regard.

Perhaps such explanation of the significance of life's sanctity seems overly abstract. Let us then speak frankly of some of the direct effects which a rule against killing may have on our moral life:

Without the sanctity of life, justice is a sham. If we must be fair to the interests of everyone existing, but need not let them remain existing, we effectively undercut all demands of justice. If we must

relieve the oppressed unless we kill them, then we will probably choose the latter and easier way. The idea of justice to the weak might never even occur to us if we could get rid of others, instead of having to deal with them when they get in our way. That justice must be founded on the inviolability of the individual is so obvious it would not be worth stating were it not sometimes overlooked in the way we treat the handicapped. On the one hand, we have today a great awareness of our responsibility for just treatment of those dependent on us—as evidenced, for example, by frequent declarations of child and handicapped rights. But on the other hand, we have the “common practice” of infanticide of handicapped newborns.¹⁷ We seem to take a schizophrenic attitude toward these dependent people: we insist that we must treat them justly if they are around, but that we may make sure they die when they first arrive. I submit that the latter allowance must in the long run either destroy the rights even of the older handicapped or else convert these very rights to a pressure to kill them while they are young.

Similarly, the demand for a universal high “quality of life” masks a monstrous choice unless it is accompanied by the recognition of life’s sanctity. For there are two ways to ensure that everyone living has a high quality of life: raise the quality of all lives or eliminate those of low quality. Without the sanctity of life to exclude the less arduous second alternative, any increase in the urgency or degree of the quality of life demanded may lead to mass killing. Achieving top quality life may be felt too expensive, drawn-out, and problematic a process, and death may be found preferable. Already this seems the plight of the “defective” newborn, but unless at some point the quality of life ethic is supplemented by the sanctity of life, no one with any quality deficiency can be secure. Without sanctity, we are all likely to be aided only when and to the extent that aid is cheaper than poison. Whether our “defects” are physical or mental, economic or educational, only sanctity can ensure that others see these lacks as reasons to help us rather than to destroy us.

¹⁷Robertson, “Involuntary Euthanasia of Defective Newborns: A Legal Analysis,” 27 *Stanford L. Rev.* 213, 214 (1975). Robertson is speaking primarily of passive (or “negative”) euthanasia; but see *Pediatric News*, February, 1977, for a report of the 1974 Sonoma Conference on neo-natal ethics where seventeen out of twenty panelists approved the possible use of active (or “positive”) intervention to end the life of a presumably handicapped infant. Most graphic is the documentary film “Who Should Survive?” produced by the Kennedy Foundation in 1971, in which a mongoloid newborn is intentionally let die by his parents and the hospital staff.

Lastly, the sanctity of life grants us an appreciation of the dignity and meaning of the human condition which we could not otherwise have. This fact was brought home to me last year when I spoke to a meeting of an association of parents of retarded children. During my speech, I had gingerly expressed sympathy for the "burdens" of such children. Afterwards a number of parents came up to me to say that they did not think of their children as "burdens;" they were just "their children," although they did have needs others did not.

Yet surely, I thought, any parent deciding whether or not to let such a newborn child die would perceive these burdens. And then I realized that these people were *not* making such choices. For them, their children were a *given*, something they simply accepted and indeed (as I later saw) came to delight in.

Now this pro-child attitude is possible, I submit, because the sanctity of life not only does not correspond to life's value but also tends to exclude a consideration of its value. Valuing is preferring; preferring is choosing. All valuation implies the possibility of an alternative to the thing valued. But here there is no occasion to compare the child's existence with its non-existence and to come up with the feeling that it is a burden, because the sanctity of life excludes the possibility of killing the child.

Would we be likely to call these children "vegetables," or otherwise to denigrate them, if we accepted them and sought to help them? I think not. Yet if we saw killing as an option, could we avoid comparison and evaluation?¹⁸ To allow killing leads us to evaluate and so "devalue" those whom we might kill, even if we do not do so. To eliminate the option of killing does not so much cause handicapped life to be given an erroneously high "value" as to place it beyond all evaluation and valuing. Handicapped lives become not merely valued, highly or lowly, but appear as the given objects of appreciation and delight.

Sanctity, in sum, by asserting the reality and importance of the individual, makes possible or at least facilitates all attitudes which focus on particular persons.¹⁹ It overthrows the depersonalizing

¹⁸See David Mall's analysis of human objectification in his essay "Death and the Rhetoric of Unknowing," in *Death, Dying, and Euthanasia*, op. cit., pp. 659-661.

¹⁹Such tremendous functional significance cannot, of course, justify a personal or societal belief in the sanctity of life. If one "believes" in life's sanctity only because such a belief is useful, then one in fact is only *pretending* to believe—and this pretense will be dropped in private at any time, and in public whenever it becomes too costly.

tyranny of value and presents others insistently to us. We must then take them into account and perhaps respond with delight, compassion, justice, or respect. Without the sanctity of human life, could even love long survive? Would it make any sense at all, say, to love a handicapped newborn if he were thought of only as a defective human-type specimen? But if we revere him first, perhaps we will come also to love him.

III. "DO NOT ACT OR FAIL TO ACT IN ORDER TO HAVE SOMEONE DIE"

Taking as data our usual feelings and behaviour toward human life, we have sought to give them a name. We have focused on the curious fact that we often do not desire human life as a good or goal and yet are deferentially reluctant to violate it in general or in its individual examples. "Valuing" was rejected as a name for this stance, primarily because such a bifurcated regard for valued objects would be irrational. Exploring more deeply, we also discovered that valuing seems improperly demeaning to human life and this fact likewise demanded an alternative to value. At the same time, love, respect, and reverence were examined; and of these three, reverence matched up best with the way we treat human life. Reverence does not treat life as a desired good to be achieved (as valuing would) but rather bows before the sanctity of human life, refusing to destroy any individual people (as valuing would not).

What behavior results from reverence for life? What pattern of actions is compatible both with the demand to accept life and with the permission not to achieve or maintain it? How can we both not act destructively against life and also not prolong it indefinitely?

The simplest answer to these questions is no doubt that we must not ourselves cause death, but also need not preserve life. The inviolability of life gets interpreted in a kind of spatial metaphor, so that as long as we do not "trespass" upon life we have not violated it, even though at the same time we do not come to its rescue when we see it threatened. In other words, we may not "kill," but may "allow to die;" we may not "actively" terminate life, but may "passively" stand back and let

Only if we believe that life *really* has sanctity, can we reap the full benefits of this belief.

Nevertheless, functional arguments are an important buttress to the sanctity of life because they may convince the sceptic in society and in each one of us not to destroy that which we can never ourselves rebuild.

it end. Life, in this view, sets limits to our action, but not to our inaction.

Now we shall see shortly that this concept of the demands of life is quite inadequate, but we should first recognize that it is clearly founded upon more than life's value. It seeks reverently to step back before life, not to violate it. No moral theory based solely upon the *value* of life could explain such behavior; to distinguish a causing and an allowing which have the same valued (or disvalued) consequences for life would be highly irrational.

Therefore, we can already conclude that all valid criticism even of these crude distinctions must take into account the attitude of reverence out of which they may arise. That is, no one can validly be driven to support active killing simply because he believes that passive letting die is permissible. To make such a distinction, he may be operating out of a sense of life's sanctity. He is against active killing because it clearly violates life; he approves of passive letting die because he *thinks* it does not. If one argues that he is inconsistent in the way he *values* life, one has missed his point. If one argues that the active-passive distinctions themselves are meaningless, then one forces him to reevaluate his approval of letting die, rather than his disapproval of killing.

Put generally, the common moral allowance of lethal inaction, omission, passivity, and the like cannot be used as a persuasive moral precedent for active killing. No refutation of the distinction between these two types of behavior can justify the latter, because the very reason the former is allowed is that it is thought to be distinguishable from the latter.

With all this said, we must nevertheless insist upon the inadequacy of all interpretations of reverence for life solely as "not causing death." Such an approach would work only if the meaning of "cause" were clear and if the intention of the moral agent were irrelevant to reverence. However, neither of these propositions is true: Causal terminology is highly elastic, and reverence involves an *attitude* of deference as well as non-violative *behavior* toward life.

All conditions "but for" which a given death would not have occurred are necessary causes of death. Yet few are sufficient causes of death. My driving a car today may well be the *sine qua non* precondition of someone else's death. At the same time, my firing a bullet at someone would not cause his death if he were wearing a bullet-proof vest. If the sanctity of life precluded all necessary causes of death, it

would prohibit the automobile; if it demanded only that no person act in a way sufficient to cause death, shooting people in the chest would not violate that sanctity.

Of course, death is far more *likely* in the latter than in the former case. Could we simply say that we must not act in such a way that we make death highly probably for others? Unfortunately, no. If I carefully hide a vial of poison in a tree, hoping that some child will find it and drink it, I have surely violated the sanctity of life even if it is extraordinarily unlikely that my wish will be fulfilled. But at the same time, few would condemn me equally for voting not to lower the speed limit to 20 m.p.h., nor for giving my dying aunt requested pain killing medication, even where these actions probably or even certainly will cause death.

The difficulty in causal terminology is even clearer if we move to the situation of *dependency*, where another person needs my help to survive. If I fail to feed my child, I can be simultaneously and correctly said to have "caused her death" and to have "let her die." The "no trespassing" metaphor for the sanctity of life does not work here. We live in constant interaction with others; human life is not like some holy altar which we could refrain from touching at all. Indeed, "not touching" may itself violate life. That is, as long as anyone in any way depends upon my actions (a most frequent occurrence) then any omission by me may be as much a necessary or sufficient cause of death as an action could be. To say that dependent persons need not be helped is to say that we may cause their death by omission just as surely as we cause the death of independent persons by action. Yet requiring of us that we never omit any treatment where this omission tends to result in death is equivalent to requiring that we never cease any treatment which preserves life—something which our reverent intuition tells us is not demanded by life's sanctity. Causal terminology either permits killing or demands preserving life. But both are intuitively wrong. Therefore, such terminology is inadequate.²⁰

²⁰That is, it is inadequate unless one adopts and uses highly conventional definitions of "cause." So, for example, one could say that only the omission of a pre-existing duty can "cause" death. But then one must develop a full description of all prior duties to others before one can make sense of a requirement not to cause death. Such a prerequisite does not seem in keeping with the immediacy of the demand for reverence for life and seems difficult or impossible to fulfill in the area of morality. But cf. the excellent application of this idea to the conventions of legal causation in G. Fletcher, *Prolonging Life*, 42 *Wash. L. Rev.*, 999-1016 (1967).

Moreover, regardless of whether or not a particular action is labeled a "cause," I seem a trickster if I aim effectively to bring about someone's death, but claim not to have violated the sanctity of life. If I let my child run in the street hoping that she will be run over, I have killed her even if I could be said not to have "caused" her death. If I fail to give my wife the medicine she needs to survive, in order to collect her insurance, again I cannot honestly claim to abide by the sanctity of life, even if her disease is officially listed as the "cause" of death. Both our idea of morality, which focuses on the intention of the moral agent, and reverence for life itself, which is an inner deference to the sanctity of life before it is an outer step back, seem to preclude my intent to bring about another's death by the clever use of inaction to produce a lethal situation under my control.

Should we then throw out the use of the word "cause" in explaining the demands of sanctity, and substitute the word "intent"? I do not think so. "Not causing death" is too fundamental a human response to ignore. But the word "intent" itself has a causal content: I cannot be said to place my pen in my pocket with the intent that it reach the moon unless I have posited some causal connection between my pocket and the moon. And at the same time, our analysis has been frustrated by our inability to label the morally significant causes of death. Could we not use *intent* to identify *cause*? Could we not say that an action or omission causes death if it is intended to result in death and does so? The vial of poison may be far less dangerous than my car, but I *intend* it, *wish* it to kill children. Therefore, placing it in the tree is contrary to the sanctity of life even if driving is not.

In other words: if I wish for someone's death and choose means which I hope will bring about his death, then I have acted against the sanctity of life even if the means chosen consist only in a passive withholding of life supports. More concisely, the practical rule resulting from life's sanctity is the following: *Do not act or fail to act in order to have someone die.*

Again, let me emphasize that we have not claimed that the sanctity of life is absolute; if it is not, then clearly no rules derived from it can be absolute. This rule would then be only a *prima facie* one, with some exceptions. However, we have not here discovered any exceptions. No one I know of has explained convincingly how life can lose sanctity nor how sanctity can be weighed, say, against value. And in any event, description of the operation and limits of this rule is simpler if we state it without exceptions, and we shall adopt this simpler treatment in the

rest of this essay.

Perhaps the most troublesome aspect of this rule is not what it prohibits, but what it permits. Purposely bringing about someone's death surely seems to violate the sanctity of life, however it is accomplished. But we may well feel that knowingly causing someone's death, even if his death is not desired, also shows a lack of reverence for life. If I fail to give my wife her medicine simply out of laziness rather than out of malice, knowing, however, that she will die as a result, have I not killed her? If I shoot a burglar in the head, is my action in accord with reverence for his life, even if I only wish to stop him from stealing my watch and hope by some miracle that he survives? In other words, is intent here only a matter of purpose (the "in order to" is the rule formulated above), or is it also a matter of "foreseeable consequences"?

It seems to me that there may be at least some sets of foreseeable consequences which are so bound up with our desired goals that they cannot be morally separated. Can I blow up a fat man stuck in the entrance to a cave, wishing only that the cave be opened and not that he be killed? I think not. But still our rule may stand, because if I do intend consequences bound up tightly with my immediate desires, I am held back by the rule. Perhaps the scope of protection afforded by the sanctity of life varies from person to person; some people may sincerely feel themselves wishing for certain foreseeable consequences of their actions while others sincerely do not. Reverence for life could still be said to require that we not act or fail to act with lethal intent. Besides, we are not here claiming that reverence for life means *only* not acting in order to bring about death, but rather that it means *at least* not so intending death. It may mean more, or it may not.

Moreover, I think that the force of this objection to the permissiveness of our rule is greatly diminished by pointing out that a given consequence of an action or omission does not automatically become moral merely because it is not prohibited by this particular rule. We are clearly responsible for all the foreseen and foreseeable results of our moral decisions. But our responsibility may be formulated in terms other than those involving reverence for life alone. Do love and familial obligation allow me to put my laziness ahead of my wife's life? I should think not, even if I in no way can be said to wish her to die. May I shoot a burglar in a fashion obviously likely to result in his death? Justice and prudence might condemn me, even if reverence did not. May we leave a worker trapped in a coal mine as

long as we do not *wish* for his death? Surely human sympathy, as well as economic justice demand that we save him, even if neglecting him is not intentional murder. In other words, our rule is intended to be supplemented by other moral norms, based perhaps on justice, sympathy, and charity. It says only, for example, that I may not fail to give alms to a beggar hoping that he will die.²¹ It does not say that I may withhold alms hoping to buy a chocolate sundae. Surely I ought to help him, or at least to do my fair share to meet a societal obligation to help him, if his death is otherwise imminent. But unless I ignore him out of a death wish, out of malice against his life, I have not clearly shown a lack of reverence for life.

Perhaps the prime contrast between valuing and revering is that the first seeks to preserve its object while the second need not. The first controls, the second does not. Our maxim prohibiting an anti-life intention, but permitting unintended effects harmful to life, is an application of reverence to the complexity of causation and of human dependency which is quite in keeping with non-controlling ethos of the principle applied.

“Do not act or fail to act in order to have someone die” both liberates and disciplines us. It frees us from the idea that life is so precious that it must receive priority in all our hopes and plans. It tells us that, as long as we never wish for someone’s death and act on this wish, we may strive for things other than life. Life is revered while the good life is pursued. Yet the maxim also keeps us away from the counter-mistake of thinking that because death is sometimes acceptable, human lives may be taken for the sake of noble aims. By making sense of our intuition that life must not be destroyed but need not be preserved, it keeps us off the slippery slope to the dangerous moral abyss where human life is as expendable as the individual things we value.

IV. APPLICATIONS OF THE MAXIM

Much more investigation needs to be done into the implications of the sanctity of human life. We have in this article described at length only a “non-violation” requirement of reverence for life and have

²¹Note that such a hope would be joined here with an attempt to effectuate it. A *mere* hope for someone’s death, which is not the motive for an action or an omission, might not be precluded by reverence for life.

specified only the minimal maxim, "Do not act or fail to act in order to have someone die." The sanctity of human life surely grounds behavior other than this alone, just as the sanctity of churches demands more than not intentionally vandalizing them. Nevertheless, in an effort to provide as much help as possible in matters of life and death, we shall now seek to understand some ethical consequences of the sanctity of life, as we have so far discerned it, in two areas: medical care and public policy.

The Ethics of Medical Care. A tripartite decision procedure (in all cases where death of the patient is a possibility) would seem adequately to adhere to the maxim developed above.

First of all, medical choices must be for the sake of something other than death. According to our maxim, we may never choose to act or not to act in order to bring about death. Therefore, if we assume that all choices are motivated, there must be some end other than death motivating our choice of treatment. Now, this requirement is not particularly onerous. Other ends are almost always present as possible motivating factors. But it does mean that the hypothetical "costless" patient, whose continued existence were no burden at all to himself or to anyone else, could not be gratuitously dispatched because of, say, the low value or quality of his life. We must always be acting *for* something else, not simply *against* life. And this means also, for example, that a parent or doctor caring for a handicapped newborn could not act or fail to act in any degree out of an elitist desire to put an end to such a life because it is undignified or embarrassing. Wherever a death wish is operative in a decision not to care for a newborn, the decision violates the sanctity of life.

Second, that for the sake of which the decision is made may never be something which can be obtained only by means of the patient's death. I cannot say, for example, "I didn't pull the plug to kill him, but only to collect his insurance" (or ". . . to collect his heart"). Since there is no way I can collect the insurance unless he dies, since I know death is a necessary means to my end, I do intend death in pulling the plug. The point seems obvious in this case, but it can be more subtle. For example, it might well be in keeping with our maxim for the parents of a handicapped child to refuse a life-saving operation which were so expensive that it would economically ruin the family; here it is quite possible that the parents are still hoping and praying that their child will live. But it would not be permissible to refuse a life-saving operation because the expenses of bringing up the surviving

child would be too great; here the parents are in fact wishing for the death of the child. Note that in both cases, the motivation for refusal of the operation is to save money and the almost certain consequence is death. Nevertheless, there is an important moral difference between them. Only in the second case are the costs the parents seek to avoid the "costs of continued life" (rather than only "costs of the operation"); only in the second are the money benefits the "benefits of death" (rather than only the "benefits of not operating"). Only in the second case do the parents omit the operation *in order to* have death occur.

Third, our maxim must never be applied alone, must always be used together with other moral norms. We must never assume that a particular action or omission is permissible simply because it is not done in order to have someone die. Social justice, contract, sympathy, charity, and all the relevant norms of a complex moral universe must be at least tacitly considered before fatal damage is done. So, for example, besides not seeking to get rid of burdensome newborns, one should also not unjustly neglect them, especially where such neglect is likely lethal.

Pope Pius XII, in his oft-quoted medical address of November 24, 1957, seems to address himself to this third point. He there declares that only failure to provide the "ordinary" means of support would constitute what we have here called "neglect." "Extraordinary" supports would go beyond what justice and charity demand, and so they need not be provided:

Natural reason and Christian morals say that man (and whoever is entrusted with the task of taking care of his fellowman) has the right and the duty in case of serious illness to take the necessary treatment for the preservation of life and health. This duty that one has toward himself, toward God, toward the human community, and in most cases toward certain determined persons, derives from well ordered charity, from submission to the Creator, from social justice and even from strict justice, as well as from devotion toward one's family.

But normally one is held to use only ordinary means—according to circumstances of persons, places, times, and culture—that is to say, means that do not involve any grave burden for oneself or another.²²

The pope's permission here to withhold extraordinary life supports is, I suggest, misinterpreted if it is taken to mean that supports may be

²²"The Prolongation of Life," reprinted in *Death, Dying and Euthanasia*, op. cit. pp. 283.284.

withheld *in order to* have someone die. Note that he does not even directly mention the sanctity of life in his above enumeration of the norms governing withholding of care. Apparently, he is taking for granted that no actual attack on life is involved, and therefore he considers only the moral principles governing the extent of affirmative duties of care. Indeed, he later adds that even the withholding of extraordinary means (specifically, resuscitation attempts) is subject to two additional norms, both directly relevant to our concept of the sanctity of life:

Even when it causes the arrest of circulation, the interpretation of attempts at resuscitation is never more than an indirect cause of the cessation of life, and one must apply in this case the principle of double effect and of “*voluntarium in causa*.”²³

Double effect and *voluntarium in causa* are roughly equivalent to the maxim of intention developed in this essay.²⁴ What the pope seems to be saying is that if life supports involve extraordinary hardship, then justice *et al.* do not require that they be given—provided, of course, that the intention of the omission is to avoid the hardship rather than to achieve death.

The simple “ordinary-extraordinary” distinction is no doubt a useful rule of thumb, which normally would sufficiently protect life. It is quite unlikely that one would omit the ordinary means of life (e.g., food) unless one’s purpose were to kill; and it is quite likely that extraordinary means would be omitted to avoid hardship to patient or to others. Nevertheless, ordinary means *might* be withheld from a patient without an operative death wish by the physician (e.g., out of deference to the patient’s wishes). Similarly, extraordinary means *might* be withheld in order to have a dependent patient die. So, if one treats the papal distinction as authority, one should always point out that even extraordinary care must not be withheld in order to have death occur.

Are these guidelines unduly restrictive? On the contrary, they are at once a protection for the patient and a freedom for those caring for him. The patient knows that he will not be purposely violated in his weakness, though he must also modestly acknowledge that his welfare

²³Ibid., p. 286.

²⁴For a summary of the meaning of these terms in traditional Catholic moral theology, see T. O'Donnell, *Morals in Medicine* (Westminster: Newman Press, 1960), pp. 39-44.

is not the center of the moral universe. The physician knows that he is free to seek the good of the patient, of his family, and of all others affected, without the fear of death as the ultimate evil—as long as he never wishes for death and acts on this wish. He might, in my opinion, accede to the family's wish to care for a handicapped child at home rather than at the hospital, even if he thought this meant certain death for the child. His goal here might well be to provide a more loving environment for the child, and a wish for death might be far from his mind. Or, as already suggested, he could discontinue a necessary life-saving treatment at the request of a competent patient, having in mind only respect for the patient's autonomy and not a desire for the patient's death. He could, perhaps, inject a dose of morphine into a dying patient, where no other pain-killer were available, even though he knew that the dose were sufficiently high eventually to cause death. He would be acting to relieve suffering, not to achieve death, and would not be disappointed if the patient survived. Or he could disconnect "unnatural" or "undignified" life supports from a comatose patient, out of deference to aesthetic sensibilities, as long as no intent to achieve death were present and no injustice or other wrong were being done.

"Quality of life" criteria might be relevant to such decisions. The fact that a dying patient has at best only a short and/or comatose existence left could be taken into account in deciding whether further burdens on patient, family, medical personnel, and society are worthwhile. Additional resuscitations might seem to do little good where the patient could at best gain only a few hours more of possibly unconscious life; and avoiding pointless draining of the hospital staff and perhaps physical abuse of the patient (e.g., broken ribs) might seem a sufficient reason not to resuscitate. In other words, the low benefits to be gained by treatment could be considered as well as the costs to be avoided. Where the sum were negative, the treatment might be discontinued in order to save these costs rather than in order to achieve death.

However, we must again emphasize that this calculus is subject to two very important strictures. First of all, in this cost-benefit weighing neither the "costs of life" nor the "benefits of death," can have any place whatsoever. It is one thing to discontinue a procedure which is a burden and is doing little good; it is quite another to terminate a life which is itself thought burdensome. Second, justice and other moral norms must be brought into play. If parents refuse an expensive

operation on their handicapped newborn because they do not want to waste their resources on what their doctor calls a "defective," they are not clearly failing to revere life. They are not trying to kill him, just to save money. Nevertheless, although such a parental decision is not the moral equivalent of murder, it does seem to me quite probably a violation of familial obligation, and a gross injustice if not by the parents then by the society which does not fairly share this financial burden. In not falsely calling such calculated neglect murder, we do not and must not forget the callous selfishness which may motivate our abandonment of those who depend on us for their lives. Here again the sanctity of life must be considered not alone, but as the undergirding of justice. Without the sanctity of life, talk of justice is a sham because we can eliminate those with a claim on us. But without justice, lethal discrimination is easy. Both are necessary. Sanctity must guarantee that individual persons are recognized and not destroyed, and then justice must ensure that all persons are treated fairly.²⁵

²⁵Adequately to develop the proper medical-legal applications of this moral rule would require an additional article. Nevertheless, a few remarks can be made on its legal usefulness and limits.

Because of the extremely subjective nature of specific intent (the "in order to"), it may well be that our legal institutions are unsuited to the full enforcement of the maxim. Even so, the maxim could be a legislative guide in that lawmakers could ask themselves whether or not a proposed legal rule would make it *easy* for those with lethal intent to be successful. "Death with dignity" legislation could be carefully limited to ensure that it is at least *likely* that treatment withdrawals occur to achieve dignity rather than to achieve death. "Proxy" or "substitute" decisions (especially by interested parties), for an incompetent patient could, for example, be strictly limited, in keeping with fiduciary principles. The "trustee" for the patient's life should have far less freedom to refuse life-saving treatment than the patient himself would have, in order to avoid the possibility of the patient being taken advantage of.

But the idea of specific intent is not entirely unheard of in our law. It has had a place in the criminal law (see e.g., Rollin M. Perkins, *Criminal Law*, Second Edition (Mineola, New York: Foundation Press, 1969) pp. 762-764) and in recent constitutional law dealing with the intent to segregate (see *Village of Arlington Heights v. Metropolitan Housing Development Corporation*, 97 S.Ct. 555, 563-566 [1977]). Enacting into law a prohibition on the withdrawal of even "extraordinary" or "undignified" life-supports with the specific intent to end life, could serve the salutary function of clarifying and guiding medical decisions, even if because of evidentiary obstacles the law were seldom if ever enforced. To omit such a prohibition could promote the misunderstanding that the more dependent a person becomes, the less sanctity his life has.

Yet there can never be full legal-moral congruence. The law can never forbid all omissions designed to cause death, but only lethal omissions of a prior legal duty. Law would over-extend itself if it were to prohibit, say, failure to give money to beggars with

The Ethics of Public Policy. A similar procedure would be applicable to political decision making.

First, the sanctity of life would preclude any policy choices, whether action or omission, done in order to bring about death. Most obviously, capital punishment would not be permissible, unless some relevant exception to life's sanctity exists. Its immediate purpose is without a doubt the taking of human life. But more subtle uses of death would likewise be disallowed. We could not individually or collectively withhold food from drought stricken foreigners, even if they are our enemies, if our purpose is to have them decimated. We also could not allow famine in order to "teach a lesson" to other countries about the benefits of birth control. One cannot judge the morality of private or governmental actions only by their effects; it is not that we must never allow anyone to die around the world, but rather that we cannot make death a goal of our programs or non-programs.

And even where death is not obviously a goal, we must be very careful not to include in our cost-benefit calculations any of the "costs of life" or the "benefits of death," because if we do we are unavoidably intending the deaths necessary to eliminate such costs or to achieve such benefits. So, for example, as far as our maxim is concerned, it would seem permissible to leave the speed-limit at 55 m.p.h. in order to maintain economic efficiency, even knowing that thousands of persons will thus be killed. We do not here desire their deaths and may even impose safety requirements to minimize the number of fatal accidents. Death is acquiesced in rather than hoped for. However, it would be impermissible to include in a cost-benefit analysis (of various suggested speed-limits) items such as savings on Social Security benefits as the old are killed or the net economic gain by the elimination of other "marginal" members of society, i.e., members whose consumption is expected to be greater than their production (such as the chronically unemployed). This point cannot be overemphasized, because an advancing medical technology and an increasing marginal population may soon force difficult decisions upon us. Even though these "benefits of death" are real, they must be

the secret intent that they die. And, too, it might be appropriate legally, by way of excuse rather than of justification, to allow intentional killing *in extremis* (e.g., lifeboat cannibalism) and/or to show mercy for merciful motives. For all these reasons, our maxim seems most appropriately considered only a guide for law making, rather than an absolute legal rule.

ignored in policy-making. We must simply shut our eyes to such benefits, out of regard for the sanctity of life, in policy-making for highways, hospitals, and the care of the dependent—at home and abroad. Analysts must, when necessary, submit “inaccurate” figures on the total costs and benefits of various proposed policy options, in order not to allow the benefits of death to have any weight in public planning.²⁶

Lastly, and as always, we must never think only of life’s sanctity. A high speed limit may be imprudent or unjust even if not irreverent to life. Do pleasure and profit outweigh the enormous violence of traffic deaths? We cannot honestly avoid this question simply by pointing out that we are sorry about these deaths, are looking for means to prevent them, and are compensating those who survive them.

* * * * *

We can speak clearly about the ways we act toward other people only if we do not force all morality into value-talk, but allow words such as “sanctity” to develop an independent resonance. The ethical norms developed in this essay are the echoes of sanctity and, as such, are meant to be taken seriously. Yet words are prior to echoes, and first of all is freedom of value-free speech.

²⁶Cost-benefit analysts, in other words, must go beyond a pluralistic willingness to have their findings considered only one factor, along with morality and other influences, in policy decisions. If the “benefits of death” are to have zero weight in such decisions, but if other costs and benefits are to be taken into account, then the proposed “inaccurate” figures must at some point be made available. See M. W. Jones-Lee, *The Value of Life: An Economic Analysis* (Chicago: University of Chicago Press, 1976) pp. 3ff for a discussion of the pluralistic or “restricted” theory of policy decision. Mr. Jones also provides an excellent review of the literature on value of life vs. value of safety, which is sensitive at various points to the possibility that some people’s lives might be found to have a net negative economic value under those modes of analysis which do not rely entirely on gross output measurement, e.g., pp. 33, 43-46.